

## Message Text

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E.O. 11652: XGDS-3

TAGS:LOS; UK

SUBJECT: LOS - BRITISH AIDE MEMOIRE ON LOS CONFERENCE AND  
US DOMESTIC SEABED LEGISLATION

SUMMARY: UK AMBASSADOR RAMSBOTHAM CALLED ON THE DEPUTY  
SECRETARY DECEMBER 1 ON INSTRUCTIONS TO PRESENT AN AIDE  
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MEMOIRE ON THE LAW OF THE SEA CONFERENCE AND US DEEP

SEABED MINING LEGISLATION. RAMSBOTHAM MADE FOLLOWING POINTS: PROSPECTS FOR SUCCESS NEXT SESSION DO NOT APPEAR PROMISING. US AND UK AND LIKE-MINDED NATIONS SHOULD MAKE EVERY EFFORT TO GET SUBSTANTIVE AGREEMENT AND A SATISFACTORY REGIME FOR THE SEABED SO THAT IF THERE WERE FAILURE IT COULD BE PINNED ON OTHERS. REGARDING US LEGISLATION ON SEABEDS HMG THINKS SUCH LEGISLATION COULD BE SALUTARY IF IT APPEARS TO BE HANGING OVER LOS CONFERENCE. BUT PASSAGE PRIOR TO MAY SESSION WOULD BE COUNTER PRODUCTIVE. UK WOULD APPRECIATE OUR DISCUSSING WITH THEM IN ADVANCE TECHNICAL ADVICE ADMINISTRATION GIVES TO CONGRESS ON LEGISLATION. SERIOUS PROBLEMS COULD ARISE IF US LEGISLATION NOT COMPATIBLE WITH ANY SIMILAR LEGISLATION HMG MIGHT WISH TO INTRODUCE. THE DEPUTY SECRETARY RESPONDED THAT WE HAVE CONCLUDED THE LACK OF PROGRESS AT LOS CONFERENCE REFLECTS THE LDC

VIEW THAT THE US HAS TO HAVE A TREATY AND THAT THIS PERCEPTION HAS LED LDC'S TO PRESS FOR CONCESSIONS. US MUST GET ACROSS THE IDEA THAT WE DO NOT NEED A TREATY; FLEXIBILITY ON OUR PART CREATES INEVITABILITY OF DEMANDS FOR MORE CONCESSIONS. REGARDING LEGISLATION, DEPUTY SECRETARY SAID THE ADMINISTRATION HOPES IT WON'T COME BEFORE THE MAY SESSION. THE DEPUTY SECRETARY SAID IT WOULD BE A GOOD IDEA TO HARMONIZE US AND UK LEGISLATION, AND AGREED TO SHARING WITH UK TECHNICAL ADVICE GIVEN TO THE CONGRESS. END SUMMARY

1. BRITISH AMBASSADOR RAMSBOTHAM CALLED ON THE DEPUTY SECRETARY DECEMBER 1 ON INSTRUCTIONS TO DELIVER AN AIDE MEMOIRE ON THE LOS CONFERENCE AND US DOMESTIC LEGISLATION ON DEEP SEABED MINING. DEPUTY SECRETARY WAS ACCOMPANIED BY AMBASSADOR LEARSON. TEXT OF AIDE MEMOIRE FOLLOWS SEPTTEL.

2. RAMSBOTHAM SAID HMG THINKS SOME PROGRESS WAS MADE AT THE LAST SESSION OF THE LOS CONFERENCE BUT THE UK WAS DISAPPOINTED AT THE UNSATISFACTORY ATTITUDE OF THE LDC'S TOWARD A DEEP SEABED REGIME. HE PRAISED THE CONSTRUCTIVE PROPOSALS OF SECRETARY KISSINGER WHICH HAVE NOT

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YET RECEIVED ADEQUATE CONSIDERATION. THE PROSPECTS FOR THE NEXT SESSION ARE NOT GOOD. IT IS UK VIEW THAT THE US AND UK AND LIKE-MINDED NATIONS SHOULD MAKE EVERY EFFORT TO GET SUBSTANTIVE AGREEMENT IN MAY AND A SATISFACTORY REGIME FOR THE SEABED. WE MUST ENSURE THAT IF THERE IS A FAILURE OF THE CONFERENCE IT CANNOT BE PINNED ON US. IF IT WERE IT WOULD BE A LOSING FACTOR IN OTHER INTERNATIONAL FIELDS.

3. TURNING TO US LEGISLATION ON DEEP SEABED MINING, RAMSBOTHAM NOTED PROSPECT OF PASSAGE OF UNILATERAL LEGISLATION EARLY IN 1977. HMG THINKS THAT GIVEN THE FACT THAT THE LDC'S SEEM TO THINK TIME IS ON THEIR SIDE, IT WOULD BE SALUTARY IF THEY SAW LEGISLATION HANGING OVER THE CONFERENCE; IT COULD SPUR THEM ON. IF, ON THE OTHER HAND, THE ADMINISTRATION WERE SEEN TO BE SUPPORTING EARLY-PASSAGE OF LEGISLATION AND IT PASSED BEFORE MAY, THE EFFECT COULD BE COUNTERPRODUCTIVE AND APPEAR DISRUPTIVE OF THE NEGOTIATING PROCESS. THE UK HOPES THAT IF THE ADMINISTRATION SUPPORTS LEGISLATION WE WILL PAY DUE REGARD TO UK VIEWS AND MAXIMIZE PRESSURE ON THE CONFERENCE.

4. HMG HOPES THAT THE US ADMINISTRATION WILL STEER ANY LEGISLATION UNDER CONSIDERATION SO THAT IT IS COMPATIBLE WITH AN EVENTUAL INTERNATIONAL REGIME AND THAT IT WILL BE CLEARLY DESIGNATED AS INTERIM. FURTHER, HMG HOPES THE US WILL SHARE WITH THEM IN ADVANCE ANY TECHNICAL ADVICE GIVEN TO CONGRESS ON LEGISLATION IN VIEW OF THE ASSOCIATION OF SUCH BRITISH COMPANIES AS RIO TINTO ZINC AND CONSOLIDATED GOLD FIELDS WITH US FIRMS IN DEEP SEABED CONSORTIA. THE UK IS NOT NOW CONTEMPLATING SIMILAR LEGISLATION BUT IF IT DID IT WOULD BE IMPORTANT THAT UK LEGISLATION BE IN PARALLEL WITH THOSE OF THE US.

5. THE DEPUTY SECRETARY REPLIED THAT THE US IS DISTURBED BY THE LACK OF PROGRESS IN LOS. WE HAVE CONCLUDED THAT THE LACK OF PROGRESS REFLECTS THE LDC VIEW THAT THE US HAS TO HAVE A TREATY; THEY THEREFORE HAVE NO MOTIVE TO REACH A SATISFACTORY CONCLUSION AND CONTINUE TO PRESS FOR CONCESSIONS BY THE US. WE MUST ESTABLISH THE CONFIDENTIAL

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PROPOSITION THAT THE US DOES NOT NEED A TREATY TO GET WHAT IT NEEDS IN DEEP SEABED MINING. ALTHOUGH WE MUST DEAL WITH THE ISSUE SENSITIVELY, WE MUST NOT APPEAR SO FLEXIBLE THAT WE ARE PRESSED FOR MORE CONCESSIONS. IN THE INTERSESSIONAL PERIOD THE US MUST ESTABLISH THE CONCEPT THAT WE WILL COOPERATE TO GET A TREATY BUT THAT THERE ARE LIMITS BEYOND WHICH WE WILL NOT GO. THE DEPUTY SECRETARY SUGGESTED THAT PERHAPS WE HAVE ALREADY GONE FURTHER THAN CONGRESS AND THE PUBLIC ARE PREPARED TO SUPPORT. REGARDING LEGISLATION, THE ADMINISTRATION IS NOT PRESSING FOR IT, BUT IT WILL HAPPEN, HOPEFULLY NOT BEFORE THE MAY SESSION. LEGISLATION WILL IN OUR VIEW NOT BE INCONSISTENT WITH AN EVENTUAL TREATY, BUT THIS IS A PIOUS HOPE AT THE MOMENT. THE ADMINISTRATION HAS NOT FIXED VIEWS AT THIS TIME ON THE CONTENT OF

LEGISLATION BUT ACCOUNT WILL BE TAKEN OF THE LEGITIMATE NEEDS OF THE LDC'S.

6. RAMSBOTHAM SAID THE UK WAS SYMPATHETIC WITH THE APPROACH THE DEPUTY SECRETARY HAD OUTLINED, ADDING THE HOPE THAT LEGISLATION WOULD NOT BE PASSED BEFORE THE MAY LOS SESSION. THE DEPUTY SECRETARY AGREED IT WOULD BE DESIRABLE TO HARMONIZE US AND UK LEGISLATION AND SAID THE US WOULD SHARE WITH THE UK OUR TECHNICAL ADVICE TO THE CONGRESS ON DEEP SEABED MINING LEGISLATION. HE ADDED THAT AN INTERAGENCY COMMITTEE WOULD CONSIDER POSSIBLE LEGISLATION AND WORK WITH CONGRESS ON IT. IN RESPONSE TO RAMSBOTHAM'S QUESTION THE DEPUTY SECRETARY SAID WE THINK THERE WILL BE NO BASIC SHIFT IN LOS POLICY UNDER THE CARTER ADMINISTRATION. RAMSBOTHAM THEN SAID HIS GOVERNMENT HOPES THAT, IF AGREEABLE TO THE PRESENT US

ADMINISTRATION, HE (RAMSBOTHAM) MIGHT CONVEY HMG'S VIEWS ON LOS TO THE CARTER TEAM. TO THIS THE DEPUTY SECRETARY AGREED, REQUESTING THAT WE BE INFORMED GENERALLY OF WHAT IT SAID TO THE NEW ADMINISTRATION.

7. THE CONVERSATION CONCLUDED WITH THE DEPUTY SECRETARY NOTING THAT IT IS IMPORTANT TO DESTROY THE ILLUSION THAT THERE IS A POT OF GOLD BELOW THE SEA. COSTS OF INITIAL EXPLOITATION OF THE SEABED COULD BE VERY HIGH AND THE CONFIDENTIAL

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FIRST PARTIES EXPLOITING COULD SPEND A GREAT DEAL OF MONEY BEFORE EFFICIENT TECHNIQUES ARE DEVELOPED. FURTHER OPERATORS MUST BE ABLE EARN A FAIR PROFIT. THE COUNTRY HAVING A LAND BASE FOR PROCESSING OF THE SEABED MINERALS WHICH IS CLOSEST TO THE MINING SITE WILL HAVE A GREAT COST ADVANTAGE. HE SAW THE NEED FOR A GOOD DEAL OF EDUCATING OF THE LDC'S ON THE HARD FACTS OF DEEP SEABED MINING. KISSINGER

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